

MEMO ENDORSED

Abdul Hassan Law Group, PLLC
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USDC SDNY
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DATE FILED: 02/27/2024

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February 27, 2024

Via ECF

Hon. Valerie E. Caproni, USDJ
United States District Court, SDNY
40 Foley Square, Courtroom 443
New York, NY 10007
Tel: 212-805-6350

Re: Capric v. Centennial Properties NY Inc.
Case No. 23-CV-10443 (VEC)(VF)
Motion for Reconsideration, etc.

Dear Judge Caproni:

My firm represents plaintiff in the above-referenced action, and I respectfully write to request reconsideration of Your Honor's February 27, 2024 Order (ECF No. 8), and reinstatement of this action. On January 30, 2024, my office heard from defense counsel, and we agreed to extend Defendant's time to answer the complaint until February 28, 2024. (See Exhibit 1). As such, after this Court's February 15, 2024, which was also forwarded to defense counsels, I was under the reasonable impression that defense counsel would enter an appearance by the Court's February 21, 2024 deadline for a response. We apologize for any confusion in this regard.

In addition, because the parties were in communication, agreed to an extension of time of time, and Defendant's time to answer has not yet expired, there is really no failure to prosecute in the case – although we apologize for not letting the Court know by the February 21, 2024 deadline.

Finally, Plaintiff respectfully requests that the matter be referred to the Court's mediation program.

I thank the Court in advance for its time and consideration.

Respectfully submitted,

Abdul Hassan Law Group, PLLC

/s/ Abdul Hassan

By: Abdul K. Hassan, Esq. (AH6510)
Counsel for Plaintiff

cc: **Defense Counsel via ECF**

An agreement between the parties cannot alter a deadline set by the Federal Rules of Civil Procedure or the Court.

The Court's Order to Show Cause set a February 21, 2024, deadline by which Plaintiff was required to show cause why the matter should not be dismissed for failure to prosecute, and Plaintiff failed to inform the Court of the requested answer extension by this deadline. Although Plaintiff may have believed that Defendant would file a notice of appearance and request an extension by February 21, 2024, once Defendant failed to do so, Plaintiff still did not respond to the order to show cause.

The Court will GRANT Plaintiff's motion to reconsideration and reopen the case. Plaintiff is warned, however, that continued failure to adhere to Court-ordered deadlines may result in sanctions.

Defendant's deadline to answer or otherwise respond to the Complaint is **February 28, 2024**. Plaintiff must file proof of service of this order on Defendant by **February 27, 2024, at 5:00 P.M.**

SO ORDERED.



02/27/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

Sent: Tuesday, January 30, 2024 9:08 AM
To: Olga Tzortzatos <otzortzatos@centpropny.com>
Cc: Abdul K. Hassan, Esq. <abdul@abdulhassan.com>
Subject: Re: Capric v. Centennial Properties

Yes.

Abdul K. Hassan, Esq.

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On Mon, Jan 29, 2024 at 1:38 PM Olga Tzortzatos <otzortzatos@centpropny.com> wrote:

Just want to verify that is February 28, 2024?

From: Ah Lg <legal@abdulhassan.com>
Sent: Monday, January 29, 2024 1:29 PM
To: Olga Tzortzatos <otzortzatos@centpropny.com>
Cc: Abdul K. Hassan, Esq. <abdul@abdulhassan.com>
Subject: Re: Capric v. Centennial Properties

Okay. We can agree to a 30-day extension of time to answer the complaint.

Abdul K. Hassan, Esq.

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On Mon, Jan 29, 2024 at 12:28 PM Olga Tzortzatos <otzortzatos@centpropny.com> wrote:

Mr. Hassan –

I am not appearing in the action, so I do not think I can enter into a stipulation.

If you consent to an extension to answer, kindly confirm via email.

Thank you.

From: Ah Lg <legal@abdulhassan.com>
Sent: Monday, January 29, 2024 11:52 AM
To: Olga Tzortzatos <otzortzatos@centpropny.com>; Abdul K. Hassan, Esq. <abdul@abdulhassan.com>
Subject: Re: Capric v. Centennial Properties

No problem with an extension to answer. You can send me a stip for review.

Yours truly,

Abdul K. Hassan, Esq.

Abdul Hassan Law Group, PLLC

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On Mon, Jan 29, 2024 at 11:48 AM Abdul K. Hassan, Esq. <abdul@abdulhassan.com> wrote:

Abdul K. Hassan, Esq.

Abdul Hassan Law Group, PLLC

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Email: abdul@abdulhassan.com

----- Forwarded message -----

From: **Olga Tzortzatos** <otzortzatos@centpropny.com>

Date: Mon, Jan 29, 2024 at 11:29 AM

Subject: Capric v. Centennial Properties

To: abdul@abdulhassan.com <abdul@abdulhassan.com>

Mr. Hassan,

We are in receipt of your letter dated January 25, 2024, and are in the process of retaining an attorney to appear and answer. Your letter indicates that we should reach out to avoid a default. We are requesting an extension of time to appear and answer in this matter.

Please note that I reached out to you via telephone last Friday, after I received your letter and tried you again this morning.

Thank you.

Olga Tzortzatos

General Counsel

Centennial Properties NY, Inc.